

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**THOMAS HARRIS,**  
**Plaintiff,**

**v.**

**GENE M. JOHNSON, et al.,**  
**Defendants.**

)  
)  
)  
)  
)  
)  
)

**Civil Action No. 7:12-cv-00016**

**MEMORANDUM OPINION**

**By: Hon. Michael F. Urbanski**  
**United States District Judge**

Presently before the court is plaintiff's motion to proceed in forma pauperis and motion for default judgment. Plaintiff filed these motions after the court dismissed this 42 U.S.C. § 1983 action without prejudice on January 26, 2012, for failing to state a claim upon which relief may be granted. The action was never served on defendants, and nothing remains pending in order to proceed in forma pauperis. Accordingly, plaintiff's motions are **DENIED** as moot.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to plaintiff.

Entered: April 3, 2012

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge